REMARKS

This application has been carefully reviewed in light of the Advisory Action dated November 4, 2003 and the Interview conducted on December 19, 2003. Claims 1 to 3 and 5 to 8 are now in the application, with Claims 1 and 8 the independent claims. Claim 8 has been newly added. Reconsideration and further examination are respectfully requested.

The Advisory Action maintained the rejections in the Office Action dated April 9, 2003. Specifically, Claims 1 to 3 and 5 to 7 remain rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 6,080,927 (Johnson), and also under § 103(a) over Johnson in view of U.S. Patent No. 6,147,295 (Mimura) or U.S. Patent No. 4,555,586 (Guha). Reconsideration and withdrawal of the rejections are respectfully requested.

Applicants wish to thank the Examiner for the professional courtesies extended to Applicants' representative during a personal interview conducted on December 19, 2003. Also, Applicants wish to remind the Examiner of his indication that a summary of the interview is not required in this instance.

In the Interview, the structural differences between the applied art and the present invention were discussed. Applicants continue to believe that the features of the present invention of a memory means comprising previously determined standard temperature values and an operating means that operates a cooling means according to a selected one of previously determined standard temperature values are structural features. Accordingly, Applicants maintain that the applied art does not disclose the foregoing features.

During the Interview, the Examiner maintained his position that the foregoing features were not structural, but rather were merely functional limitations which are not untitled to patentable weight. However, since means plus function language is used to characterize the present invention defined in Claim 1, it is wrong to treat the features of the claim as merely functional. The USPTO has prescribed guidelines for the treatment of means plus function claims, to conform with the Federal Circuit's holding in *In re Donaldson*:

> "Both before and after *Donaldson*, the application of a prior art reference to a means or step plus function limitation requires that the prior art element perform the identical function specified in the claim. However, if a prior art reference teaches identify of function to that specified in a claim, then under *Donaldson* an examiner carries the initial burden of proof for showing that the prior art structure or step is the same as or equivalent to the structure, material, or acts described in the specification which has been identified as corresponding to the claim means or step plus function."

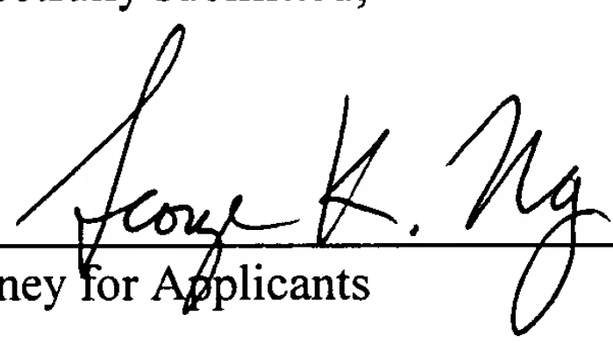
Accordingly, withdrawal of the § 102 and § 103 rejections is respectfully requested.

During the Interview, a proposed new claim directed to method of controlling a solar cell was also discussed. The Examiner indicated that the claim distinguished over Johnson, but that he would refuse to enter the claim as it would raise new issues that would require further search and/or consideration. The claim is presented herein as new Claim 8, and examination thereof is respectfully requested.

In view of the foregoing, early passage to issue is respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicants

Registration No. 54,334

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-2200
Facsimile: (212) 218-2200

CA_MAIN 75706 v 1